

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
405	37:253(b).	Oct. 12, 1949, ch. 681, § 303(b), 63 Stat. 814.

The words “Secretaries concerned” are substituted for the words “Secretaries of the uniformed services” to conform to other subsections of the source statute. The words “outside the United States, or in Hawaii or Alaska” are substituted for the words “outside the continental United States or in Alaska” to conform to the definition of United States in section 101(1) of this revised title and to retain the coverage of the source statute.

AMENDMENTS

1993—Subsec. (d). Pub. L. 103-160 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for nonrecurring expenses incurred by the member in occupying private housing outside of the United States. Expenses for which payments are made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).”

1989—Subsec. (d). Pub. L. 101-189 added subsec. (d).

1985—Pub. L. 99-145 inserted “the” after “outside” in section catchline.

1984—Subsec. (a). Pub. L. 98-525, § 602(e)(1), designated first two sentences of existing section as subsec. (a).

Subsec. (b). Pub. L. 98-525, § 602(e)(2), (3), designated third and fourth sentences of existing section as subsec. (b), in such third sentence as so designated inserted “for a member who is on duty outside of the United States” after “under this section”, and inserted after such third sentence: “A station housing allowance may not be prescribed under this section for a member who is on duty in Hawaii or Alaska.”

Subsec. (c). Pub. L. 98-525, § 602(e)(4), designated last sentence of existing section as subsec. (c).

1979—Pub. L. 96-107 inserted provisions relating to advance payment of station housing allowances.

1970—Pub. L. 91-486 inserted provision authorizing a station housing allowance.

1966—Pub. L. 89-718 substituted “the” for “a” after “including”.

EFFECTIVE DATE OF 1993 AMENDMENT

Section 622(b) of Pub. L. 103-160 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to nonrecurring expenses and currency fluctuation gains described in section 405(d) of title 37, United States Code, that are incurred by members of the uniformed services on or after October 1, 1993.”

EFFECTIVE DATE OF 1989 AMENDMENT

Section 622(b) of Pub. L. 101-189 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to expenses incurred after August 31, 1990.”

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-525 effective Jan. 1, 1985, with exceptions, see section 602(f) of Pub. L. 98-525, as amended, set out as an Effective Date note under section 403a of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Section 807(b) of Pub. L. 96-107 provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1979.”

CROSS REFERENCES

Assimilation of pay and allowances, see section 1003 of this title.

Regulations for administration of section, see section 411 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403, 403a, 406, 411, 420, 1003 of this title; title 2 section 906; title 5 section 4109; title 10 section 2013; title 36 section 121.

§ 405a. Travel and transportation allowances: departure allowances

(a) Under regulations prescribed by the Secretaries concerned, when dependents of members of the uniformed services are authorized or ordered to depart by competent authority, they may be authorized such allowances as the Secretary concerned determines necessary to offset the expenses incident to the departure. Allowances authorized by this section are in addition to those authorized by any other section of this title. Such allowances may be paid in advance. For the purposes of this section, a dependent “authorized or ordered to depart by competent authority” includes—

(1) a dependent who is present at or in the vicinity of the member’s duty station when the departure of dependents is authorized or ordered by competent authority and who actually moved to an authorized safe haven designated by that authority, whether such safe haven is at or in the vicinity of the member’s duty station or elsewhere;

(2) a dependent who resides at or in the vicinity of a former duty station of the member following the assignment of the member elsewhere or who resides at or in the vicinity of a duty station (other than the duty station of the member) incident to orders in connection with an unaccompanied tour of duty of the member, if a departure of dependents is authorized or ordered by competent authority from the duty station at which or in the vicinity of which the dependent resides and the dependent actually moves to an authorized safe haven designated by that authority;

(3) a dependent who established a household at or in the vicinity of the member’s duty station but who is temporarily absent therefrom for any reason when departure of dependents is authorized or ordered by competent authority; and

(4) a dependent who was authorized to join the member and who departed from his former place of residence incident to joining the member but who, as a result of the departure of dependents, is diverted to a safe haven designated by competent authority or is authorized to travel to a place the dependent may designate, even though he was in the United States when the departure was authorized or ordered.

(b) Under regulations prescribed by the Secretaries concerned, each member whose dependents are covered by subsection (a) is entitled to have one motor vehicle that is owned by the member (or a dependent of the member) and is for the personal use of the member or his dependents, transported at the expense of the United States to a designated place for the use of the dependents. When the dependents are permitted to rejoin the member, the vehicle may be

transported at the expense of the United States to his permanent duty station.

(Added Pub. L. 89-26, §1(1), May 22, 1965, 79 Stat. 116; amended Pub. L. 89-608, §2, Sept. 30, 1966, 80 Stat. 851; Pub. L. 96-465, title II, §2303(e), Oct. 17, 1980, 94 Stat. 2165; Pub. L. 97-60, title I, §§121(c), 123, Oct. 14, 1981, 95 Stat. 1002, 1003; Pub. L. 99-661, div. A, title XIII, §1343(b)(3), Nov. 14, 1986, 100 Stat. 3995; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, §625(b)(1), Oct. 23, 1992, 106 Stat. 2424; Pub. L. 104-106, div. A, title VI, §622(a), Feb. 10, 1996, 110 Stat. 363.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-106 substituted “authorized or ordered” for “ordered” wherever appearing.

1992—Subsec. (a)(2) to (4). Pub. L. 102-484 added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

1991—Subsec. (b). Pub. L. 102-25 struck out “of this section” after “subsection (a)”.

1986—Pub. L. 99-661 substituted “departure” for “evacuation” in section catchline.

1981—Subsec. (a). Pub. L. 97-60, §123, inserted provision authorizing the payment of allowances in advance.

Subsec. (b). Pub. L. 97-60, §121(c), substituted “that is owned by the member (or a dependent of the member) and is for the personal use of the member or his dependents” for “owned by him and for his personal use, or the use of the dependents.”

1980—Subsec. (a). Pub. L. 96-465 substituted “to depart” and “departure” for “evacuated” and “evacuation”, respectively, wherever appearing.

1966—Subsec. (a). Pub. L. 89-608 struck out provision requiring that to qualify for allowances the evacuated dependents have been evacuated from places outside the United States to places inside the United States.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 622(b) of Pub. L. 104-106 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to persons authorized or ordered to depart as described in section 405a(a) of title 37, United States Code, on or after October 1, 1995.”

EFFECTIVE DATE OF 1992 AMENDMENT

Section 625(b)(2) of Pub. L. 102-484 provided that: “The amendments made by paragraph (1) [amending this section] shall take effect as of August 23, 1992, and shall apply with respect to any evacuation ordered by competent military authority on or after that date.”

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-60 effective Nov. 1, 1981, to apply to members who are separated from the service or released from active duty on or after Nov. 1, 1981, see section 121(d) of Pub. L. 97-60, set out as a note under section 404 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE

Section 2 of Pub. L. 89-26, as amended by Pub. L. 89-608, §1, Sept. 30, 1966, 80 Stat. 851; Pub. L. 92-176, Dec. 2, 1971, 85 Stat. 494, provided that: “This Act [enacting this section and amending sections 407, 411, and 1006 of this title] becomes effective on February 1, 1965.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 407, 411, 420, 1003, 1006 of this title.

§ 406. Travel and transportation allowances: dependents; baggage and household effects

(a)(1) Except as provided in paragraph (2), a member of a uniformed service who is ordered to make a change of permanent station is entitled to transportation in kind, reimbursement therefor, or a monetary allowance in place of the cost of transportation, plus a per diem, for the member's dependents at rates prescribed by the Secretaries concerned, but not more than the rate authorized under section 404(d) of this title.

(2)(A) Except as provided in subparagraph (B), a member who—

(i) is separated from the service or released from active duty; and

(ii) on the date of his separation from the service or release from active duty, has not served on active duty for a period of time equal to at least 90 percent of the period of time for which he initially enlisted or otherwise initially agreed to serve,

may be provided transportation under this subsection for his dependents only by transportation in kind by the least expensive mode of transportation available or by a monetary allowance that does not exceed the cost to the Government of such transportation in kind.

(B) Subparagraph (A) does not apply to a member—

(i) who is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10;

(ii) who is separated from the service or released from active duty for a medical condition affecting the member, as determined by the Secretary concerned;

(iii) who is separated from the service or released from active duty because the period of time for which the member initially enlisted or otherwise initially agreed to serve has been reduced by the Secretary concerned and is separated or released under honorable conditions;

(iv) who is discharged under section 1173 of title 10; or

(v) who is involuntarily separated from active duty during the nine-year period beginning on October 1, 1990.

(3) The allowances authorized under this subsection may be paid in advance.

(4) In this section, the term “involuntarily separated” has the meaning given that term in section 1141 of title 10.

(b)(1)(A) Except as provided in paragraph (2), in connection with a change of temporary or permanent station, a member is entitled to transportation (including packing, crating, drayage, temporary storage, and unpacking) of baggage and household effects, or reimbursement therefor, within the weight allowances listed in subparagraph (C), without regard to the comparative costs of the various modes of transportation. Temporary storage in excess of 180 days may be authorized.

(B) Subject to uniform regulations prescribed by the Secretaries concerned, in the case of a permanent change of station in which the Secretary concerned has authorized transportation of a motor vehicle under section 2634 of title 10